



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/375,309	08/16/99	ZAKARAUSKAS	F 10514/002001

023600
COUDERT BROTHERS
333 SOUTH HOPE STREET
SUITE 2300
LOS ANGELES CA 90071

WM02/0410

EXAMINER

ARMSTRONG, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/375,309

Applicant(s)

ZAKARAUSKAS, PIERRE

Examiner

Angela A. Armstrong

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: The preamble of claim 4 is directed towards a method for enhancing acoustic signals buried in noise, yet the claim limitations provide for system ("means for") language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, and 5 rejected under 35 U.S.C. 102(b) as being anticipated by Liu (US Patent No. 5,680,508).

4. Regarding claims 1, 3, and 5;

Transforming input signal to a time-frequency representation is taught by Liu at Figure 1, element 19;

Estimating background noise is taught by Liu at Figure 5: col. 10, lines 24-36;

Comparing time-frequency representation with a signal model is taught by Liu at Figure 5: col. 10, lines 16-23;

Determining a template in the signal model is taught by Liu at Figure 5: col. 10, lines 16-23;

Replacing the acoustic input signal is taught by Liu at col. 10, lines 16-23.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US Patent No. 5,680,508) in view of Williamson et al. (US Patent No 5,027,410).

7. Regarding claims 2, 4, and 6;

Transforming input signal to a time-frequency representation is taught by Liu at Figure 1, element 19;

Although Liu estimates background noise, Liu does not specifically teach isolating transient sounds and including transients in the estimation of the background noise. However, refer to Williamson et al. who teach a system of adaptive programmable signal processing and filtering for maximizing the intelligibility of an audio signal relative to noise, which detects transient noise in an input audio signal, provides for estimation of the transient, background noise, and the input signal (col. 8, lines 15-35). In addition to maximizing the intelligibility of the audio signal relative to the noise (abstract), Williamson et al. also teaches that the system

Art Unit: 2641

maintains the output speech sound at a level that is comfortable to a user while also controlling noise (col. 8, lines 36-41).

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the speech enhancement system of Liu to implement transient detection and estimation in conjunction with signal and background noise estimation, for the purpose of maximizing the intelligibility of the audio signal relative to the noise, as suggested by Williamson et al.

Comparing time-frequency representation with a signal model is taught by Liu at Figure 5: col. 10, lines 16-23;

Determining a template in the signal model is taught by Liu at Figure 5: col. 10, lines 16-23;

Synthesizing a signal based on the best matching template is taught by Liu at Figure 2, element 25: col. 2, lines 1-2; col. 10, line 23.

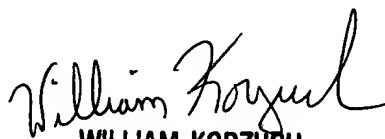
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 703-305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA
April 9, 2001


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600